

BIENNIAL MESSAGE

OF

**Albert B. Cummins**

GOVERNOR OF THE STATE OF IOWA

TO THE

Thirtieth General Assembly

---


JANUARY, 1904

---

PRINTED BY AUTHORITY OF THE GENERAL ASSEMBLY

---

DES MOINES  
B. MURPHY, STATE PRINTER  
1904



Digitized by the Internet Archive  
in 2016 with funding from  
University of Illinois Urbana-Champaign

BIENNIAL MESSAGE

OF

ALBERT B. CUMMINS

GOVERNOR OF THE STATE OF IOWA

TO THE

Thirtieth General Assembly

---

JANUARY, 1904

---

PRINTED BY AUTHORITY OF THE GENERAL ASSEMBLY.

---

DES MOINES  
B. MURPHY, STATE PRINTER  
1904

50515  
Iosm  
1904

21  
50  
8 Apr 13

# GOVERNOR'S MESSAGE,

---

*To the Senate and House of Representatives of the Thirtieth General Assembly:*

In obedience to the command of the constitution, I have the honor to submit to you the following message:

I lay before you reports from various departments and officers, as follows:

60000  
Dr. H. Pub. Lib. 1004

- Secretary of State. (Pertaining to Land Office).
- Secretary of State. (Pertaining to Criminal Convictions).
- Auditor of State.
- Treasurer of State.
- Superintendent of Public Instruction.
- State University.
- Iowa State College of Agriculture and Mechanic Arts.
- State Normal School.
- Commissioner of the Bureau of Labor Statistics.
- State Librarian.
- State Historical Department.
- State Historical Society.
- Adjutant General.
- Dairy Commissioner.
- Boat Inspectors.
- Custodian of Public Buildings.
- Geological Board.
- Accountants.
- Board of Dental Examiners.
- State Veterinary Surgeon.
- Pharmacy Commission.
- State Board of Health.
- Fish and Game Warden.
- Capitol Commission

These reports will inform you of all the doings of the executive branch of the State government.

## FINANCES.

As to the monies that were received and paid out during the biennial period ending June 30, 1903, you are referred to the

reports of the Auditor and Treasurer. They disclose all financial transactions, both in summary and detail, and nothing that I could add would make your information upon this phase of the subject more complete. It is your duty, however, not only to review the past, but to provide for the future, and I have ventured to prepare a table that I hope will aid you in determining the amount available for appropriation at this time.

I have endeavored to ascertain the probable revenue of the State during the years 1904 and 1905 upon the basis of a three mill levy for general purposes, the fixed expenses of the State, as now established, the appropriations made by preceding General Assemblies, payable during these years, and thus reach the aggregate sum that can be safely appropriated by you upon the assumption that the rate of taxation already mentioned is continued.

I have excluded from my computation all special funds and have considered only those items which may be properly reckoned in a general account. I have used the two calendar years immediately before us, for the reason that it has become customary to make appropriations extending beyond the biennial period.

The assessable value of all the taxable property in the State for the year 1903 was \$637,937,386.00, and as it is not probable that it will be materially changed in the coming two years, it is not difficult to discover what additional revenue an increased rate of taxation will yield.

#### AMOUNT IN TREASURY AND ESTIMATED RECEIPTS FOR 1904.

Amount in treasury January 1, 1904.....	\$1,198,754.58
Receipts from general tax, to be paid in 1904 (estimated) .....	1,901,000.00
Receipts from insurance companies (estimated) .....	240,000.00
Receipts from state officers (estimated) .....	140,300.00
Receipts from general government for Soldiers' Home .....	50,000.00
Receipts from counties for support of state institutions (estimated) .....	460,000.00
Receipts from collateral inheritance tax (estimated) .....	100,000.00
Total .....	<hr/> \$4,090,054.58

## ESTIMATED EXPENDITURES FOR 1904.

Salaries and expenses of the various state offices, boards, commissions, etc.

Adjutant general.....	\$ 3,200.00
Attorney-general.....	7,280.00
Auditor of state.....	12,670.00
Board of control.....	1,303,120.00
Clerk of supreme court.....	6,460.00
Commissioner of labor.....	3,000.00
Commissioners of pharmacy.....	1,200.00
Custodian of public buildings.....	23,500.00
Dairy commissioner.....	8,000.00
District judges' salaries.....	185,500.00
Fish and game warden.....	8,700.00
Executive department.....	23,200.00
Historical department.....	15,380.00
Library departments.....	16,060.00
Mine inspectors.....	10,930.00
Railroad commissioners.....	13,100.00
Secretary of state.....	11,950.00
Superintendent of public instruction.....	7,340.00
Superintendent of weights and measures.....	50.00
Supreme court.....	41,300.00
Treasurer of State.....	9,110.00
Veterinary surgeons.....	5,000.00
Agricultural societies.....	35,000.00
Board of health.....	5,000.00
Collateral inheritance.....	7,300.00
Condemnation real estate.....	2,000.00
Executive council.....	7,690.00
Farmers institutes.....	4,000.00
Geological survey.....	8,780.00
Historical society.....	2,500.00
Interest on school fund loans.....	660.00
Iowa Weather Service.....	2,700.00
Militia.....	58,150.00
Miscellaneous (Secs. 36, 164, 165).....	53,000.00
Providential contingencies.....	50,000.00
Relief Joseph Metz and F. M. Hull.....	480.00
State Printer and State Binder.....	60,000.00
State department of agriculture.....	3,400.00
Teachers institutes.....	12,000.00
Thirtieth General Assembly.....	130,000.00
Horticultural Society.....	4,000.00
College of Agricultural and Mechanic Arts.....	94,500.00
State Normal School.....	80,500.00
State University.....	190,500.00

Total.....

\$2,528,210.00



UNPAID APPROPRIATIONS OF STATE INSTITUTIONS UNDER  
BOARD OF CONTROL.

Boys' Industrial School at Eldora .....	\$ 14,381.85
Girls' Industrial School at Mitchellville .....	2,272.00
Soldiers' Home, Marshalltown .....	4,263.76
Blind Industrial Home, Knoxville.....	3,103.45
Cherokee Hospital for Insane.....	1,146.34
Clarinda Hospital for Insane .....	14,143.23
Independence Hospital for Insane.....	16,211.65
Mt. Pleasant Hospital for Insane.....	19,626.56
College for Blind.....	739.36
Penitentiary at Anamosa.....	24,213.15
Penitentiary at Ft. Madison.....	69,639.82
Soldier's Orphan's Home, Davenport.....	7,027.44
School for the Deaf, Council Bluffs.....	8,678.67
Institute for Feeble-Minded Children, Glenwood	29,246.74
<hr/>	
Total.....	\$ 214,694.02

UNPAID SALARIES AND EXPENSES FOR 1903 AND UNEXPENDED  
APPROPRIATIONS PAYABLE IN 1903 AND 1904.

Adjutant general's salary.....	\$ 58.33
College of Agriculture and Mechanic Arts.....	28,105.21
Attorney-general.....	898.33
Auditor of state.....	285.33
Benedict Home.....	1,400.41
Board of control.....	3,396.66
Capitol Improvements.....	139,050.12
Clerk of supreme court.....	308.33
Collateral inheritance.....	250.00
Commissioner of labor.....	208.33
Curator's salary.....	133.33
Custodian public building, salary.....	325 00
Constitutional amendments.....	2,500.00
Dubuque Rescue Home.....	200.00
Dairy commissioner.....	691.66
District judges' salaries .....	15,900.00
Executive council.....	450.00
Fish and game warden.....	100.00
Geological survey.....	2,070.00
Governor's salary, room rent, executive coun- cil and contingent.....	541.61
Historical department.....	2,455.00
Weather service.....	200.00
Library departments.....	1,129.98
Lookout Mountain monuments.....	33,722.20
Louisiana Purchase Exposition.....	68,000.00
Militia .....	7,199.06
Mine inspectors.....	1,042.50



Miscellaneous (Secs. 164 and 165).....	1,400.00	
State Normal School.....	20,850.00	
Railroad commissioners.....	874.99	
Secretary of state.....	325.00	
Relief of Hull and Metz .....	120.00	
Superintendent of public instruction.....	460.45	
State printer.....	1,000.00	
Etomologist.....	100.00	
Shiloh monuments.....	29,449.42	
Judges supreme court.....	2,393.33	
Treasurer of state.....	1,225 00	
University, support and purchase land.....	57,800.00	
Veterinary surgeon.....	600.00	
Vicksburg monuments.....	3,209.00	
Women's and Babies' Home.....	380.20	
<hr/>		
Total .....		\$ 419,808.50

## RECAPITULATION.

Cash on hand Dec. 31, 1903.....	\$ 1,198,754.58	
Estimated receipts to Dec. 31, 1904.....	3,900,300.00	\$4,099,054.58
<hr/>		
Unpaid balances state institutions.....	214,694.02	
Unpaid balances, general.....	419,808.50	
Estimated expenditures to Dec. 31, 1904.....	2,528,210.00	3,162,712.52
<hr/>		
Balance Dec. 31, 1904.....		\$ 936.342.04

Carrying the computation through 1905, assuming the same general cost of administration, and we have this result:

Balance January 1, 1905.....	\$ 936,342.04	
Receipts for the year (estimated).....	2,900,300.00	
<hr/>		
Total.....		\$ 3,836,642.04
Expenditures (omitting \$130,000 for General Assembly, and adding \$10,000 00 for census on the plan now authorized).....	\$ 2,428,210.00	
<hr/>		
Total.....		\$ 1,428,432.04

The conclusion, therefore, is that, after providing for the State government and its institutions upon the basis now existing, making no allowance for additions, betterments, renewals, or repairs, except as now expressly authorized by statute, and upon the hypothesis of a three mill general levy, it would be unwise to appropriate for purposes not taken into account in the foregoing table, more than \$1,400,000.00 to be paid in 1904 and 1905.

The average monthly balance in the depositories selected by the Treasurer and approved by the Executive Council during the

last year has been more than one million dollars. I can conceive of no reason why the banks in which these funds are deposited should not pay interest to the state upon balances at the rate which they customarily pay to other depositors. Each bank gives a bond to indemnify the state against loss, and there would be no additional risk involved in requiring the payment of interest. The state, under the present law, is deprived of a revenue of from twenty to thirty thousand dollars per year from this source, which ought to be used in the reduction of general taxation.

I believe, therefore, that the law should be amended so as to provide for taking interest upon balances, if such arrangement can be made. The amendment should also provide that the state shall pay the premium to a surety company for the Treasurer's bond. The bond required of him is too large for personal sureties, and the premium to a surety company, if paid by him, would more than consume his entire salary.

#### PROVIDENTIAL CONTINGENT FUND.

The Twenty-ninth General Assembly appropriated \$35,000.00 and put it at the disposal of the Executive Council to meet such contingencies as the destruction, by fire or other casualty, of the public property of the State.

On May 9, 1902, the main building of the School for the Deaf and Dumb at Council Bluffs, was burned. It seemed absolutely necessary to take such steps as would enable the Board of Control to continue the School, and upon its representations and request, the Executive Council appropriated \$28,000.00 for the construction and equipment of temporary buildings. This sum has been expended, and it is believed that the School can be successfully conducted until the General Assembly makes permanent provision.

On the 14th day of August, 1903, a fire occurred at the Iowa State College of Agriculture and Mechanic Arts, at Ames, which destroyed what was left of the old main building. This necessitated the construction of temporary quarters as a substitute for the class rooms destroyed, and, after careful consultation with the officers of the College, the Executive Council appropriated \$3,000.00, which has already been expended for the purpose named.

On the 25th day of May, 1903, the buildings of the School for the Feeble Minded at Glenwood were very seriously injured by a wind storm. The Board of Control had no appropriation that could be used for repair, and after looking carefully into the situation, the Executive Council appropriated the remainder of the providential contingent fund to put the school at Glenwood in such condition that it could be used.

Thus the entire appropriation has been expended, and it has accomplished the object for which it was created.

#### INSURANCE.

I call especial attention to that part of the Auditor's report relating to insurance. In the development of the state, the supervision of insurance companies, which has been given to the Auditor, has become the most important work of his office. The interests involved are not only large, but they deeply concern a great number of our people. I was formerly of the opinion that an independent insurance department should be created, but I have changed my mind, and I now believe that the wiser course is to leave the work where it is, giving to the Auditor authority to employ a force sufficient to transact the business in an efficient way.

I concur in the recommendation of the Auditor that he should have the authority to employ at a yearly salary an examiner and actuary, with such other clerical assistance as may be necessary. It is impossible to engage a competent man for the examination of an insurance company for the compensation now authorized; and there is no practicable provision of law for the employment of an actuary. The people are vitally interested in knowing whether the insurance companies with which they deal are solvent or insolvent, and when the time comes for an examination, it is of no value unless made by an upright, competent, and skillful examiner and actuary.

I concur also in the recommendation that an effort be made to define what a contract of life insurance is. In these days life insurance takes on so many phases, and the ingenuity of managers is so great, that every kind of indemnity and investment, fair and unfair, honest and fraudulent, is offered to the people as life insurance. I believe that a statutory definition can be devised, broad enough to embrace every legitimate contract, and that would facilitate the work of the Auditor in excluding con-

tracts which are either fraudulent or which belong to some other field of enterprise.

I concur most heartily in the recommendation relating to reinsurance or consolidation. It is highly necessary for the protection of policy holders that the state shall determine the conditions under which one company shall be absorbed by another.

Other recommendations made by the Auditor, I have not time to comment upon, but they merit careful consideration.

Upon my own behalf I earnestly urge upon you an amendment to the law which shall provide that all fees paid by insurance companies for examinations, or for any other service rendered under the direction of the state, shall be paid into the state treasury, and that whatever compensation is allowed to those who perform the work, shall be paid by the state. As the law now is, the insurance companies pay to the examiners whatever sum may be charged for service and expense, and the examiners make no account of it whatever. The practice affords opportunities for wrong doing that are intolerable in a state which cherishes a reputation for integrity and fair dealing. Whatever the state does through any of its officers or agents, for which a fee is perscribed, should be paid for by the person or corporation from which the fee is due, directly to the state, and whatever the officer or agent receives for his work should be paid by the state, and the books of the state ought to show the exact transaction.

I am led to comment upon this subject with unusual emphasis, largely on account of some matters which occurred during the four years in which Frank F. Merriam was the Auditor of State. Toward the close of his last term it was charged by various foreign insurance companies that he, together with his insurance examiner, Mr. Max Beehler, had made, or pretended to make a large number of examinations which were without the authority of the Executive Council, and for which fees and disbursements were exacted grossly in excess of fair compensation and reimbursement for the examinations made and expenses incurred. The records of the Executive Council did not disclose any authority for such examinations. When Mr. Merriam's attention was called to the matter, he said that the members of the Executive Council had given him oral authority, and his recollections in this respect were verified by letters from former members. As Governor of the state I then made an examination of his office, for the purpose

of ascertaining what companies had been examined and what fees and disbursements had been charged. I at once discovered that the books of the Auditor's office did not show what examinations had been made, or what had been charged for them, or indeed anything in respect to the subject. The only papers that could be found, relating to the examinations under consideration, were some reports of examinations. In this situation the Auditor was asked, under the advice of the Attorney General, to complete his books in this respect, so we might know what had been done and what money had been collected. The term expired, and Mr. Merriam left the office without complying with this request. The present Auditor, Mr. B. F. Carroll, was requested by the Executive Council to correspond with the insurance companies that had been doing business in Iowa, and discover, if possible, when and by whom examinations had been made, and what had been charged for them. He prepared blanks for this purpose, and I now have the result of his investigation. I summarize it as follows:

Examinations made (a few in Iowa)	-	-	-	116.
Charged for examinations	-	-	-	\$23,267.03.

No man should be judged without a hearing, and these men have had no hearing. It may be that they can explain what they have done so that all adverse criticism will be unwarranted. I think it is your duty to give them an opportunity to do so. Upon the face of the papers that I have, and upon the information that I have received, it appears that many of these examinations were not in good faith, were without value, and that the farce was enacted for no other purpose than to collect money which had not been earned. It seems, from the *ex parte* inquiry that we have been able to make, that nearly all the insurance companies paid what was demanded of them, simply because they knew that the Auditor held a power which he could exercise to their injury. It is due to these men, as well as to the reputation of the commonwealth that these matters be investigated by a committee having authority to ascertain the whole truth; and if it be found that the power of the state of Iowa has been used by unworthy officers to coerce payments for which no honest service was rendered, I recommend the reimbursement of the sums so unjustly exacted.

To make my recommendation complete upon the matter of fees being made payable directly to the treasury, I suggest that



the law relating to the Pharmacy Commission, the Bank Examiners, the Oil Inspectors, the Dental Board, the Veterinary Board, and all other boards, commissions, and offices with which the contrary practice prevails, should be changed so as to require payment of fees as above indicated.

#### PUNISHMENT FOR CRIMES—PARDONS AND PAROLES.

A detailed statement of all pardons and suspension of sentences, otherwise known as paroles, is submitted herewith, as required by law. During the two years of my term, I have released, upon absolute pardon, six prisoners, not including the seven conditional pardons issued upon the recommendation of the Twenty-ninth General Assembly. I have, in the same time, released from penitentiaries, jails, and industrial schools, one hundred and forty-three prisoners upon suspensions of sentences.

Of the paroled prisoners, I have returned nineteen to imprisonment for violation of the terms of parole, of which fourteen had been paroled by my predecessors; of the remaining one hundred and thirty-seven, it gives me pleasure to say that substantially all of them are living uprightly, and give promise of enduring reformation.

Of paroled prisoners, I have restored sixty-eight to complete citizenship upon a showing of worthiness. I have not done this, however, in any case, save one or two exceptional instances, until the period for which the sentence was imposed had passed, and generally not until a considerable time thereafter.

Having thus stated the essential facts, I desire to consider, a moment, the general subjects of paroles. The rule by which I have been guided in the main, is this: If a prisoner could show a good life prior to the commission of the offense, and the circumstances indicated that the crime was what may be termed an accidental, incidental, and solitary one, and did not proceed from a criminal habit, and if upon a full investigation there seemed to be a probability of reform and a law-abiding life, I have inclined toward giving such a prisoner a chance to become a respectable, self-supporting member of society. My experience has deepened my conviction that the parole system ought to be preserved, but in so saying, I am quite conscious that it ought also to be perfected.

Assuming that the discretion, which must be reposed somewhere, is properly exercised, the system has one serious defect. Whenever a prisoner is paroled, there is an interference with the judgment of the court. The power of the Governor overrides the sentence of the judge. There is thus created a conflict which unhappily tends to impair the confidence of the people in the administration of criminal law, and begets a feeling that the sentence of a judge is not to be feared. A philosophical analysis of the exercise of the two powers, removes any such apparent collision, but the people reason upon broad lines, and I know that the sentiment, which I have endeavored to express, exists. It seems to me, therefore, that this apparent antagonism should be removed. I believe that the parole should be consistent with the execution of the sentence imposed by the court, indeed, should carry out the sentence. To accomplish this, it is evident that some phase of the plan of indeterminate sentences should be adopted, and I earnestly hope that you will give the subject the attention which its importance demands, and so amend our law that a prisoner may be paroled without seeming to strike down the judgment of the court which imposed the sentence.

I do not believe that a board of pardons is necessary. So long as the Governor is required, under the constitution, to take the responsibility for the release of prisoners, I think the investigation which precedes the parole can be carried forward just as well in the Governor's office as anywhere else, and I concur with my distinguished predecessor in saying that no rule can be formulated to govern the discretion which must in the very nature of things be exercised.

The Governor should be authorized to employ one or two additional agents. The critical time for a paroled prisoner is the period which immediately follows his release. I have made it a general rule not to discharge anyone unless I know that employment of proper character is at hand. I very much need one or two persons to assist in securing work for prisoners who are without friends; and to watch over them and lend a helping hand until they are again fairly established among their fellowmen. With these additions to my force, and until the present population grows much larger than it is, the work can be done as efficiently in my office as through a board of pardons.

Touching the same general subject, I beg to call your attention to the movement which is now general throughout the country;



to better care for the boys and girls who are led into crime. There ought to be a marked difference between the treatment given to the mature and the immature criminal. By far the greater number of the boys and girls who are arrested and convicted, could be saved from lives of wrongdoing, if intelligent and merciful supervision were exercised at the time they first violate the law. It is cruel to them and hurtful to the state to consign them to the association of hardened and habitual lawbreakers. There is no subject which better deserves your careful thought than this.

#### THE INEBRIATE LAW.

The report of the Board of Control, concerning the operation of the law for the care and confinement of inebriates, passed by the Twenty-ninth General Assembly, merits your most serious consideration. Being charged with duties in the enforcement of the statute, I have given to it and to its results the most careful thought and investigation. I believe that the general principle of the law should be preserved, for its influence upon men given to habits of intemperance, but who fear the humiliation of confinement, has been widespread and effective; but I say without hesitation that if it cannot be amended it should be repealed.

The plan of sending inebriates to insane hospitals is bad, not only for the inebriates, but for the insane. This is the unanimous opinion of the Board of Control, of all the superintendents of the hospitals, and I have seen enough of its ill effects to lead me into an earnest appeal to provide some other place of detention.

I believe further that the minimum term of confinement should be one year. To me it is absurd to declare that any person who is in such condition as to warrant his involuntary withdrawal from the community upon the ground of inebriety, can be cured in thirty days.

I believe further, that when physically able, inebriates in confinement should be given an opportunity to work and be required to do so. It is clear that, wherever they are confined they should be so guarded, either by walls or attendants, that they cannot escape.

Under the present law it is made my imperative duty, upon the certificate of the superintendent of the hospital, that in his

opinion the patient is cured, to issue a parole. I have no discretion in the matter. It certainly ought to be true that upon a violation of the terms of the parole the patient could be returned summarily to the place of detention, and yet, as I understand the statute, if the paroled inebriate makes his reports regularly, he cannot be returned, even though it is known that he is drunk every day.

I have found also, that for the efficient working of such a law, it will be necessary to create a fund, either in the county or state treasury, for the return to confinement of inebriates who break faith.

Taking it all together, the statute, while growing out of a high conception of the duty of the state to its citizens, needs thorough revision, and I sincerely hope that you can give to the work of reconstructing it, the attention its importance demands.

#### A PRIMARY ELECTION LAW.

There has been much discussion in Iowa during the past few years respecting a primary election law, and I believe that public opinion has gradually ripened so that now there is a great preponderance of sentiment in favor of some regulation that will insure common decency and fairness in the nomination of candidates for office. There is practically no fraud, dishonesty, or even unfairness in the conduct of general elections, but the manner in which caucuses, party primaries, and other proceedings leading up to nominations are held; and the practices which attend them in many parts of the State, have become intolerable with clean, fair-minded people.

Corruption in this important stage of government poisons free institutions at their fountain head, and there is nothing can be done for the removal of this blot upon our affairs too difficult nor too expensive to be undertaken. I need not recount the evidences of my statements. They are all around you, and are well known to every man who gives the most casual attention to what is going on.

I commend the subject to your careful consideration, and earnestly recommend the passage of a law which will surround the selection of candidates with the same safeguards against intrigue, dishonesty and unfairness, that already exist with regard to the election of candidates to office.

While I recognize that there are wide differences of opinion concerning the scope, as well as the detail of such a law, I venture to express the opinion that it should have the following features:

First—It should include all municipal, county, state, and congressional offices, filled by the voters.

Second—The primary election for all political parties should be held at the same place and time.

Third—It should include a system of registration, where registration is now required at general elections, and where registration is not required at general elections, it should include an adequate plan for identifying the voters.

Fourth—It should provide severe penalties for fraud, intimidation and bribery.

The greatest objection which I have found in studying the measures adopted by other states, and the subject generally, has been that in the complete primary election system, a plurality, instead of a majority, will nominate. I regard this as a weakness, because it prevents in some instances the exercise of a second choice, which is oftentimes of great value.

It seems to me, therefore, that the delegate convention ought to be preserved, and that the law should arrange for the selection of delegates. If any candidate, whether for a city, county, state or congressional office, receives a majority of the votes cast in the territory which fills the office, the delegates chosen would have no other duty but to record the decision of the voters. If, however, no candidate receives a majority of the votes cast by his party, then the delegates chosen with the instructions given them by the vote, should work out in the convention their second choice.

These suggestions are intended as a mere outline of the views I have formed in looking into the matter, and I lay them before you, not so much as a recommendation for any particular law, as a way of indicating to you my conviction that some adequate legislation is necessary.

#### GOOD ROADS.

There is nothing which Iowa needs, which she has not, more than good roads. It is unnecessary to enlarge upon the subject,

because the want is recognized by every thoughtful man. Can the need be supplied? I believe it can be. It will require years to accomplish the purpose; but we ought to begin now. We should adopt a permanent plan and work upon it so that what is done one year will not be lost the next. I submit my opinion with diffidence to men of your wide experience and observation; but as I have thought much upon it, I give you my conclusions:

The roads to be improved should be first surveyed to ascertain the grade, easiest method of drainage, the character of the soil, and all other conditions which are essential to be known. The plan of improvement should then be made. So much of the work should be done by the state, and if committed to the engineering departments of the University and the Agricultural College, it could be done without great expense.

When the plan for any county is complete, it should be presented to the Board of Supervisors, and if found satisfactory, adopted.

Thereafter the work done on any road embraced in the plan should proceed accordingly. In this way we can gradually secure good roads. We must go forward slowly, to avoid the burden of increased taxation, but let us at least go forward. I am thoroughly convinced that there is no investment that will yield the people a larger return than the money intelligently spent in the betterment of highways.

#### THE CENSUS OF 1905.

Section 33 of Article 3 of the Constitution requires the general assembly to cause an enumeration to be made of all the inhabitants of the state in 1905. Section 171 of the Code of 1897 repealed former regulations respecting the taking of the census, and limits the work to the ascertainment of the number of males, females, persons entitled to vote, and the number of the militia. It is obvious that if no further authority be given, the census of 1905 will be of very little importance.

In modern times the collection of information, and the gathering of statistics and their compilation in the form of a census report, has not only become a well recognized function of the government, but a necessity for the guidance of society. The census to be taken next year should be a complete compendium

of all the knowledge that the most modern view demands for such a work.

I therefore recommend that the statute be so amended and that such an appropriation be made as will enable the proper officers to issue a census report, adequate in its scope, and complete in its detail.

In this connection I also recommend that the Commissioner of the Bureau of Labor Statistics be authorized to co-operate with the National Census Department in certain matters relating to manufactures, the full explanation of which will appear in communications from the department at Washington, copies of which will be laid before you.

#### PUBLIC DOCUMENTS.

We have now erected a warehouse in which all the public documents can be placed, and have arranged to equip it with shelves so that these documents may be kept something after the manner of a library. I recommend that the law be so amended that all public documents shall be delivered by the State printer and binder to the Executive Council, and that all bills for printing and binding shall be passed upon by the Council; that under the supervision of the Council, the distribution of documents as now provided, shall be made; that a certain number of each issue, say two hundred, shall be kept for future uses, and that the remaining volumes of each report shall be distributed by the Council upon requisition of the officer, department, board or commission issuing it. If these changes be authorized, we can preserve order in our public documents, an order which is sadly needed for their safe keeping and proper distribution.

#### EDUCATIONAL INSTITUTIONS.

By virtue of my office I have been, during the past two years, a member of the Board of Regents of the State University and of the Board of Trustees of the Iowa State College of Agriculture and Mechanic Arts. I have faithfully attempted to become familiar with the work of these institutions, and I believe I know their needs.

With respect to the Iowa State Normal School, I have no such intimate knowledge, and therefore submit the report of its Board



without comment, save to express my belief that its financial affairs have been honestly and wisely managed, and the school conducted by a master mind.

With respect to the State University, and the Iowa State College of Agriculture and Mechanic Arts, I know that the appropriations made for them have been expended with a painstaking economy and a strenuous effort to make them cover wants which they will not cover, the like of which I have rarely seen. I have advised both these Boards to lay before you the needs of their respective institutions, without regard to the probability of your being able to supply them all at this time. I have no sympathy, nor indeed tolerance, for the attitude sometimes assumed, of appearing before you, asking something, and fearing lest too much should be asked. I have said to them, and I now repeat to you, that these institutions belong to the State of Iowa, and these Boards are simply trustees to manage them as best they may; and it is their duty to report to you their exact condition and all their needs, and it is for you to supply them if you can.

I speak now of my own knowledge. We might as well face the unpleasant fact that, with respect to support, equipment, and buildings we are behind the times, and in these respects we compare unfavorably with the states that would be naturally chosen for comparison. We may well be proud of the instructional force of both these institutions. It is superb, and its strength and loyalty keep both the University and the College in the front, notwithstanding the meagerness of compensation, the inadequacy of numbers, and the incompleteness of equipment. We can well boast, also, of the student bodies, for in everything which makes up the promise of superior manhood and womanhood, they are not surpassed. It is, however, true that both of them must have more support or they will fall behind in the race, and both of them must have more buildings or we cannot hope to educate and train our boys and girls at home.

I refer now more especially to the buildings. The State University needs imperatively and needs now, a science hall, an engineering hall, an auditorium, a library, a law building, an additional medical building, a detention hospital, and a gymnasium.

The Iowa State College of Agriculture and Mechanic Arts needs, and needs sadly, a central heating plant, a hall of agriculture, a library, a domestic science building, an auditorium, a

gymnasium, a dairy building, and a dairy farm. If we intend to carry on successfully the magnificent work that is fairly begun at Iowa City and at Ames, and to give our boys and girls an opportunity equal to that afforded elsewhere, we must have these buildings, and they must be equipped.

Do not understand me to recommend that immediate appropriations be made covering all these wants, but I do earnestly urge upon you the necessity of making such provision as will insure these additions and improvements as speedily as possible. The taxpayers of Iowa have never complained of any expenditure for the training of their children, the development of a better citizenship and more efficient men and women.

I have reflected a great deal upon the methods of creating the support funds of our educational institutions, as distinguished from building and equipment funds. I am thoroughly convinced that it ought to be through special taxes, and not through general appropriations. The experience of other states that have adopted this plan is most satisfactory. It has many advantages that will at once occur to you, but the one which recommends it most strongly to me is that it will enable every taxpayer, upon looking at his tax receipt, to know exactly what he is contributing to the support of these institutions, and the knowledge thus acquired and continually impressed upon him will lead to a more intelligent appreciation of the subject than is otherwise probable.

#### THE BOARD OF CONTROL.

The work of this Board still vindicates the wisdom of the law creating it, and still commands the confidence of the people.

It would be idle for me to attempt a review of its report in the limited time which I may consume. I can only give it my unqualified commendation, and express my belief that a comparison of the condition of the institutions, under its management, as they now are, with their condition at the time the change was made, will gratify every disciple of economy and every lover of humanity.

#### BUREAU OF LABOR STATISTICS.

One of the most interesting, as well as instructive, reports submitted to you is that of the Commissioner of the Bureau of Labor Statistics. No better work has ever been done in this department than is recorded in this report. The importance of



the supervision exercised by the Commissioner is not yet fully appreciated. Even a casual examination of the subject makes it clear that we need more stringent legislation respecting child labor, fire escapes, the reporting of accidents, and the competency of employes whose work involves the lives and safety of others. Our factory inspections are imperfect, simply because the force in the Commissioner's office is not sufficient. I commend these matters to your attention.

#### OIL INSPECTORS.

I concur in the recommendation of the Secretary of State to the following effect:

All supplies furnished to inspectors should be bought and furnished by the Executive Council.

Dealers in oils, when giving notice to the inspectors of the arrival of oil, should inform the Secretary of State of the quantity to be inspected.

#### THE CAPITOL COMMISSION.

The Capitol Commission has submitted to me a report which is now laid before you, showing with great precision what it has done, and the reasons which have influenced it in adopting its plans, in making its expenditures, and in creating the obligations which it shows.

I have kept closely in touch with the work of the Commission, and while it may add nothing to your confidence in the discretion of the eminent gentlemen who compose the body, it gives me pleasure to say that I have heartily approved of all that has been done.

It is not surprising that when the Commission came to critically examine a building which has stood without substantial repair since its foundation was laid thirty years ago, it found many things to be done which had escaped the observation of the preliminary commission, and that it discovered that the cost of the work was largely in excess of the estimate.

It was with the advice of the Executive Council that the location of the warehouse just north of the Capitol, and the character of its construction were determined. The Commission acted wisely, in my opinion, when it combined the work relating to

heating, ventilation, electrical equipment, and elevators, involving an obligation in excess of the sum which could be legally drawn during the year 1903.

As I understand the report to which I have referred, the Commission had expended on the 1st day of January, \$120,878.17 and had incurred obligations for work, nearly all of which has been done, to the amount of \$70,089.35. Under the present law no more than \$125,000.00 can be drawn prior to July 1, 1904. Under these circumstances I recommend that immediate action be taken by the General Assembly, putting the whole balance of the appropriation at the disposal of the Commission, or, if it be found that the late fire in the Capitol, to which I shall here-after refer, necessitates a change in the improvement and repair of the building, that a sum sufficient to discharge liabilities already created, shall be made at once payable.

#### ROSTER OF IOWA SOLDIERS IN THE CIVIL WAR.

The history of Iowa soldiers and sailors in the civil war is a subject of ever increasing interest. The loyalty of this commonwealth was not surpassed by any state in the Union. It always furnished promptly, indeed eagerly, many more than its quota. It sent into the service nearly half of its young men, and more than one fifth of them were in their graves before the war closed at Appomattox. The courage of these men in every battle in which they were engaged was as conspicuous as their enthusiasm in enlistment. It can be safely said that there is no community more justly proud of the achievements of its sons in war, than ours. Nowhere is there more gratitude to those who have passed away, or more affection for those who still survive.

The records of Iowa men in the war are lamentably incomplete. We have no publication which gives, in useful form the enlistments, the service, the casualties, and the muster out of the Iowa men. The Adjutant General's reports from 1863 to 1868 contain a great deal of the information that is desired, and some of it may be found in the departments at Washington, but further information could be collected, and all of it should be compiled.

In 1885 Ohio, under William McKinley, began a complete roster of the Ohio regiments. The work was completed eight years later, in eleven volumes, giving the name of every soldier with date and place of enlistment, date of muster out, of promotions

casualties sustained, list of battles, etc. Even earlier, Indiana began the work, and has published seven volumes of like records. Illinois, Wisconsin, Minnesota, and Kansas, have published, or are publishing a similar compilation.

The time is rapidly passing in which any information not already in reports, can be gathered.

I therefore recommend that you authorize the beginning of this work, and that its scope be broad enough to include not only the soldiers and sailors of the civil war, but the soldiers and sailors of the Spanish war as well. It is not like many other things, which can be deferred for future years. To be well done, it must be done now.

#### HISTORICAL BUILDING.

I had occasion two years ago, in my inaugural address, to make some comment with respect to the importance of completing the historical building. Close observation, and a somewhat intimate connection with the subject since that time have strengthened my conviction that we ought to at once begin the construction of the central part and east wing of this building.

Remembering, as I constantly do, other imperative demands upon the treasury, I think the work ought to be continued during three or four years. I find, upon examination, that contracts can be let for the erection of the remaining parts, payable as I have suggested, without loss to the State, and it can be so arranged that the central portion can be occupied as soon as complete.

#### STATE ARSENAL AND NATIONAL GUARD.

My experience during the last two years has shown me that as soon as practicable the State should erect an arsenal, with quarters for the Adjutant General. When I entered my office I had little conception of the value of the National Guard. It had not occurred to me that the State Militia was a very important part of the State government. I have entirely changed my views. There are no men in the State who are performing the duties of citizenship more faithfully than the officers and men of the Guard, and I cordially commend them to your friendly consideration.

In the recent military maneuvers at Fort Riley, the regiment representing Iowa, commanded by Colonel James R. Lincoln, won the highest honors among the militia, and their conduct, efficiency and skill, gave new lustre to the reputation of the State. An arsenal at the seat of government is essential to the proper care and development of the Guard, and therefore I favor its early construction.

I also recommend the establishment of a permanent camp and drill ground. Under the present practice, each regiment camps annually at some place selected by the Adjutant General. I am clearly of the opinion that it would add to the efficiency and spirit of the service if all the Iowa regiments could camp and drill together. It would not only introduce a friendly rivalry between the regiments, that is much to be desired, but a few inexpensive buildings of a permanent character would much contribute to the convenience of the men. The cost of providing such facilities would not be large if taken up in a judicious way, and I sincerely hope that you will find it practicable to make the necessary appropriation for this purpose.

#### THE LATE FIRE IN THE CAPITOL.

As you all know, a fire occurred in the Capitol on Monday, January 4, 1904, which substantially destroyed the interior finish of the hall of the House of Representatives, wrecked some of the committee rooms in the north wing, and the water used in extinguishing it, damaged to some extent the ceilings of the rooms and offices opening from the north corridor upon the main floor.

The Executive Council made an immediate investigation for the purpose of ascertaining the origin of the fire, and, after examining under oath, every person who had any knowledge of the subject, so far as it could ascertain, it arrived at the conclusion that the fire originated in an air shaft near the southeast corner of room No. 5, and that it came from a lighted candle, left in the shaft by one of the electrical workers engaged in equipping the building with electric lights.

Fortunately the disaster was not so great as at one time it was feared it would be, and a comparatively small sum will be required to repair the injury. A most careful examination of the structural iron, and walls, has been made by the most competent experts that could be employed, and it has been ascertained

that they have suffered little injury. For the temporary repairs hereafter mentioned, a few splices and bolts are all that will be necessary, and for the permanent repair the substitution of a few beams, girders and rods.

Under the informal advice of a caucus of the members of the Thirtieth General Assembly, the Executive Council empowered the Capitol Commission to go forward, clear away the debris, and put the hall of the House of Representatives in order for use during the present session. So rapidly has this work been dispatched, that it is now believed that the House of Representatives can occupy it at the close of the coming week.

As I have already reported, what is known as the providential contingent fund, put at the disposal of the Executive Council by the Twenty-ninth General Assembly, was entirely exhausted in repairing the fire losses occurring at the School for the Deaf and Dumb at Council Bluffs, the Iowa College of Agriculture and Mechanics Arts, at Ames, and the damage from a tornado at the School for the Feeble Minded, at Glenwood. We are, therefore, without any available money to defray what may be termed the fire expenses, which consist of the payment of men employed on the day of the fire for various things which it is not necessary to mention, and to pay for the temporary repair of the hall of the House of Representatives, which is now being carried on. I have not been able to secure precise information as to the outlay which will be required for these two purposes, but inasmuch as the obligations created must be discharged immediately, I recommend that an appropriation be at once made of \$8,000.00. What remains can be carried into the providential contingent fund, which undoubtedly will be created later in your session.

With respect to the permanent repair of the injury caused by the fire, I have three suggestions to make:

*First*—I believe that the Capitol Commission, already in working order, should be charged with the duty of repair, in connection with the completion of the plan provided for by the Twenty-ninth General Assembly.

*Second*—I believe that the material used in reconstruction should be as nearly fireproof as possible.

*Third*—I believe that an adequate water supply should be installed in the building.



# APPLICATION FOR PARDONS BY PRISONERS CONVICTED OF MURDER IN THE FIRST DEGREE AND SENTENCED FOR LIFE.

There have been filed in my office eighteen applications for pardon, by persons convicted of the crime of murder in the first degree and sentenced to imprisonment for life in the penitentiary. Publication as required by law has been made in these cases, and the papers are at your disposal for such investigation as it seems proper to make.

More complete detail will be found in the report submitted by me respecting pardons, suspensions, commutations of sentences and remissions of fines.

## CALLING OUT OF MILITIA TO PRESERVE ORDER AT DUBUQUE.

On the 20th day of June 1903, under the call of the Sheriff of Dubuque County, supplemented by the representations of many of the citizens of Dubuque, and after a full investigation, I ordered three companies of the National Guard to Dubuque, for the purpose of keeping the peace, and preventing the destruction of property.

The difficulty grew out of a strike of the street railway employes. As soon as the troops had arrived, I visited Dubuque in order to inform myself more accurately of the conditions then existing. With the aid of the good people of that city I was able, within a short time, to bring about an adjustment of the controversy between the street car company and its employes, and to return the militia to their homes.

I take this opportunity of expressing my appreciation of the faithful service rendered by the officers and men of the Guard in the midst of trouble that at one time appeared to be very serious.

## DRAINAGE.

Our experience during the past two years has shown with conclusive force that our laws relating to drainage need complete revision. It is unnecessary for me to go further into the subject, because its importance is deeply impressed upon a great majority of the members of the Thirtieth General Assembly. I earnestly recommend such adequate legislation as will enable the land owners of this State to protect themselves against rainfalls such as we have recently witnessed.

## CORPORATIONS.

I had an opportunity two years ago, in my inaugural address, to define to some extent my views upon the organization of corporations. The history of this State, as well as the country, since that time, demonstrates beyond controversy that in the organization of corporations, the law ought to limit the issuance of capital stock to the amount actually paid to the corporation for it. You can render your constituents no better service than to so amend our laws as to make it certain that the capital stock of a corporation, together with any bonded indebtedness, shall not exceed the money or the value of the property coming into the possession of the corporation as the consideration for such stocks and bonds. The most serious menace to the prosperity which has been so generally enjoyed by the people of the United States during the last few years, has grown out of over-capitalization.

I believe also that, before any corporation about to be organized is permitted to file its articles of incorporation in the office of Secretary of State, they ought to be submitted to a board, composed of the Executive Council and the Attorney General for approval. Our experience has shown that this is necessary in order to restrict corporations within legitimate lines, and to exclude those which are organized for an unlawful or a dishonest purpose. If you will examine the records of the office of the Secretary of State for the past two years, you will feel no doubt respecting the propriety of this suggestion.

## LOUISIANA PURCHASE EXPOSITION COMMISSION.

The work of this Commission is fairly under way. Our State building is practically complete, and it will not suffer in comparison with any other. Under the law creating the Commission and making the appropriation, one-half of the sum appropriated is not payable until June 30, 1904. The exposition begins May 1st, 1904, and it is clear that the fund is needed between now and the opening.

I, therefore, recommend that the law be amended so as to enable the last half of the appropriation to be drawn whenever required by the needs of the Commission.

I am advised that the members of the Commission believe that an additional appropriation ought to be made. Upon this phase of the matter my information is not sufficiently definite to warrant specific recommendation.



I can only repeat what I have so often said respecting the importance of the occasion. It is obvious that the Commission should know at once what sum is to be expended.

IN MEMORIAM.

Since last you met, the hand of death has removed many of the eminent citizens of the commonwealth. One of them, Francis Marion Drake, was formerly the Chief Executive of the state of Iowa. He was a man whose youth exhibited the best characteristics of our pioneer period, whose early manhood was brilliant with patriotic courage in the defense of his country, and whose middle life and old age were full of that wisdom which insures the perpetuity of the Republic. His memory will be long revered by the people of his state.

Another of the distinguished dead is Joshua G. Newbold, who became Governor of the State of Iowa upon the selection of Samuel J. Kirkwood as a member of the cabinet of the United States. Governor Newbold was a man whose whole life was an exemplification of the virtues of humanity, and, ripe in years, he passed away amid the affection of his friends and the respect of his fellowmen.

CONCLUSION.

You meet under fortunate conditions. You come directly from a people who hold as perfect a conception of good government as any people in the world. They are prosperous and contented. They believe in the sovereignty of the law. They are not moved by prejudice, nor swept by passion. The duties you have assumed are not light; but they will be discharged free from the influences which sometimes make legislation difficult and disagreeable.

With profound confidence in the high character of the work that will come from your hands, the foregoing message is respectfully submitted.

*Albert B. Cummins*

Governor.



UNIVERSITY OF ILLINOIS-URBANA



3 0112 105494931